



# University of Hawaii at Manoa

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## HB 133 RELATING TO NOISE

Statement for  
House Committee on  
Transportation  
Public Hearing - February 13, 1991

By  
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HB133 would amend HRS 291 by adding a new section to limit the operation of sound amplification systems in motor vehicles, to an area not more than 60 feet from any motor vehicle being operated on a highway or within a residentially zoned area. As stated in the bill, the purpose of the proposed law is to regulate excessively loud sound systems in motor vehicles.

Our statement on this bill does not represent an institutional position of the University of Hawaii.

HB 133 closely parallels a City and County of Honolulu Ordinance, 90-26, passed in 1989 with the same general purpose. However, the City and County of Honolulu ordinance is considerably more stringent in its coverage. It applies to sound produced by any machine or device if it is located on any public property, such as sidewalks, parks or streets, or in motor vehicles. The applicable distance for the city ordinance is 30 feet in contrast to the 60 feet limitation in HB 133. We note that the potential number of people affected by the amplified sound would be significantly greater with the 60 feet limitation.

The penalty for violation of the city ordinance is a fine of \$100 for the first offense, \$500 for a second offense within 6 months, and \$1,000, or forfeiture of the sound system, or some combination of forfeiture and fine up to a maximum of \$1,000, for a third offense, within one year of the first offense. This contrasts with the \$25 to \$250 fine for violations pursuant to HB 133.

HB 133 has a serious weakness. Page 2 line 17 states that this law shall not be construed to preclude the counties from enacting their own ordinances regarding this subject but then follows with a statement in line 21 that this law shall preempt county ordinances unless they follow the provisions of this bill. In the case of the City and County of Honolulu this would be a significantly less effective than what they presently have.

We encourage the committee to amend HB 133 either to agree with the City and County ordinance 90-26 or to modify the language so as to permit county ordinances to be more strict than the state.